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Paper No. 5

TECHNOLOGY, PATENTS AND LICENSING, INC.
340 NORTH BROAD STREET
DOYLESTOWN, PA 18901

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JUL 18 2001

In re Application of
Dewolf et al.
Application No. 09/740,568
Filed: December 18, 2000
Attorney Docket No.: T900-10

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ON PETITION

OFFICE OF PETITIONS
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This is a decision on the petition filed May 2, 2001, requesting in effect that the "Notice of Incomplete Nonprovisional Application" be withdrawn, the petition fee refunded and the above-identified application be accorded a filing date of December 18, 2000.

The application was filed on December 18, 2000. However, on February 27, 2001, Initial Patent Examination Division mailed a "Notice" requiring drawings of figures 1-10 described in the specification and stating that the filing date would be the date of receipt of the omitted drawings.

In response, 10 sheets of drawings, including figures 1-10 and the present petition were filed on May 2, 2001. The petition contends that the application as filed included figures 1-10 described in the original filed specification. In support, the petition is accompanied by a copy of applicant's postcard receipt which acknowledges receipt in the office of "Drawings (10pp.)" on December 18, 2000.

Applicant's postcard receipt is prima facie evidence that drawings were received on December 18, 2000, but no drawings are present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that 10 sheets of drawings, including figures 1-10, were received on December 18, 2000, as shown in counsel's file, and later misplaced in the Office.

The petition is Granted.

Since the original drawings cannot be located in the Office, the copy of the drawings supplied on May 2, 2001, will be used for processing and examination purposes.

The petition fee will be refunded.

The application is being forwarded to the Office of Finance, Refund Section to credit the \$130.00 petition fee to deposit account No. 50-1487.

The application will then be returned to Initial Patent Examination Division for further processing with a filing date of December 18, 2000, using the 10 sheets of drawings supplied on May 2, 2001.

Telephone inquiries related to this decision may be directed to
Petitions Attorney Charlema R. Grant at (703) 306-0251.

M. P. Antonakis

for Beverly M. Flanagan
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for Patent Examination Policy